UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,255	03/02/2004	Trent M. Thomas	114048-23	3967

27189   7590   07/10/2009
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EXAMINER
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ART UNIT	PAPER NUMBER
2192	

NOTIFICATION DATE	DELIVERY MODE
07/10/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTONotifications@procopio.com

	Application No.	Applicant(s)
Office Action Summary	10/792,255	THOMAS ET AL.
	Examiner	Art Unit	
	ZHENG WEI	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *28 April 2009*.
2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *19,21-30 and 40-42* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *19,21-30 and 40-42* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

Remarks

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since

this application is eligible for continued examination under 37 CFR 1.114, and the

fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous

Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's

submission filed on 04/28/2008 has been entered.

2.   This office action is in response to the amendment filed on 04/28/2009.

3.   Claims 19, 21, 24 and 25 have been amended.

4.   Claim 42 has been added

5.   Claims 19, 21-30 and 40-42 remain pending and have been examined.

Response to Arguments

6.   Applicant's arguments filed on 04/28/2009, in particular on pages 8-11, have

been fully considered but they are not persuasive. For example:

- At page 9, last paragraph, the Applicants submit that the Application start-up

  instructions are simply instructions for driving the applications and are

  different from the applications to be run on the computer. However, Examiner

  respectfully disagrees. As Redford disclosed at col.7, lines 54-62, it clearly

  indicates that the "…application either from the inserted storage media or

  alternatively from a permanently installed storage media…". The application

start-up instruction is used to start up the software application program located on the storage media as recited in claim 19.

- At page 9, last line of last paragraph, the Applicants submit that Redford fails to contemplate that a user selects the application to be executed. However, Redford also discloses an option to "display certain selections" which offers users selections and "execute certain application instructions" which starts up user selected application (see for example, col.7, lines 58-61).

- At page 10, third paragraph, the Applicants submit that Owen fails to contemplate "determining that task disk control file indicates the presence of the plurality of user-selectable software application programs located on the storage media, wherein the task disk control file includes a plurality of task disk control sub-files...". However, Examiner's position is that control file sub-files as defined by Applicants are merely the sections within control file (see for example, Fig.4, item 220 and specification paragraph [0048] defined as TDCF and sub-TDCF) which are similar as the application profile file DISGO.BAT that contains a sequence of application start-up instruction to be executed to start an application for using selections encoded in the inserted storage media as in Redford (see for example, col.7, lines 49-54).

- At page 10, last paragraph, the Applicants submit that Redford and Owens, individually or in combination, fail to teach or suggest "wherein the task disk control file includes a plurality of task disk control sub-files" and wherein the "providing special instructions in the plurality of task disk control sub-files

corresponding to the plurality of software application program…". However, Examiner's position is that for the same reason as addressed above, each start-up instructions can be also considered as the "special instruction" which can be used to invoke or start up applications as disclosed by Redford.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 19, 21-30, and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable by Redford (Redford et al., US 5,711,672) in view of Owens (Owens et al., US 5,555,416)

Claim 19:

Redford discloses a method of managing a plurality of user-selectable software programs for use with a computer device in accordance with a task disk control file contained on storage media external to or removable from the computer device, said method comprising:

▪   Detecting an insertion of the storage media into the computer device (see for example, Fig.1D, step 113 and 115 and related text)

- activating the storage media to establish communication with the computer device (see for example, Fig.1D, step 113, 115, "interrupts" and related text);

- wherein the task disk control file includes a plurality of task disk control sub-files (see for example, col.7, lines 49-54)

- providing from the task disk control file a list of the plurality of software programs located on the storage media (see for example, col.7, lines 43-45, "a file with second predetermined name (such as DISGO.BAT) must be present on the storage media")

- selecting one of the plurality of software application programs for execution, wherein a user performs said selecting (see for example, col.7, lines 49-62; also see col.11, lines 30-32 and related text)

- providing special instructions in a plurality of task disk control sub-files corresponding to the plurality of software programs, wherein the plurality of task disk control sub-files is located on the storage media, and the special instructions in each task disk control sub-file include configuration information, software launching information, and data file storage information (see for example, Fig.1D, step 117, "Is DSIGOKEY.exe present in removable storage media peripheral which caused interrupt?"). But does not explicitly disclose including clean-up information. However, Redford also discloses Fig.3B1 and Fig.3B2 which have unload and/or optionally restore steps. Therefore, it has to have the clean-up information involved to direct the autostart driver to perform these steps.

- transferring files specified in the configuration information and configuring the computer device in accordance with the configuration information, wherein said transferring and said configuring changes the computer device from a first state to a second state execution (see for example, Fig.3B1 steps 351, 353 and related text);

- executing the selected one of the plurality of software application programs by the task disk control file configured to provide commands to execute the selected one of the plurality of software application programs (see for example, col.7, lines 54-62, "(1)start an application either from the inserted storage media or alternatively from a permanently installed storage media...(4) execute certain application...")

- launching the selected one of the plurality of software programs in accordance with the software launching information on the task disk control file wherein the task disk control file is configured to provide commands to launch the selected one of the plurality of software application programs (see for example, Fig.1D, step 129, "Execute X:\DISGO.bat" and related text; also see col.7, lines 54-62, "(1) start an application...(3)display certain selections...(4)execute certain application instructions);

- monitoring events to determine various stages in the operation of the selected one of the plurality of software application programs(see for example, Fig.3B1, step 339, "Check if status of current peripheral has changed?" and related text; also see steps 378-385 about removing current peripheral); and

- unconfiguring the computer device upon termination of the selected one of

  the plurality of software application program by removing files transferred to

  the computing device and configuration settings in accordance with the clean-

  up information to essentially return the computer device to the first state (see

  for example, Fig.3B1, steps 378-385 about removing current peripheral)

But does not explicitly disclose determining that the control file indicates the

presence of the plurality of software application programs located on the storage

media. However, Owens in the same analogous art of automated software

installation and operating environment configuration, discloses the same feature

about determining the installation programs/files on the storage media (pre-install

class, an install class or a post-install class) according to the control file (rules

file) (see for example, Fig.2, items 30', 36', 38' and related text; also see Fig.5,

steps 68, 70, 72, 74 and 76 and related text). Therefore, it would have been

obvious to one having ordinary skill in the art at the time the invention was made

to verify the execution condition including the presence of installation files on the

storage media in order to pick different execution paths according to the

presence of the installation files. One would have been motivated to do so to

select the correct solution by determining or verifying all the installation files (see

for example, Fig.5, steps 68, 70, 72, 74 and 76 and related text)

Claim 21:

Redford further discloses the method of claim 20, wherein the list of software application programs only includes the programs having a corresponding control file information (see for example, Fig.1D, step 129, "Execute X:\DISGO.bat" and related text).

Claim 22:

Redford also discloses the method of claim 19, further comprising copying one or more files to said computer device to create said second state, wherein the files include one or more of the following: linked library files, device drivers, path information, environmental information, and registry entries (see for example, Fig.3B1, steps 345-353 about reading an identifier, flagging current peripheral and loading application to memory and relate text).

Claim 23:

Redford further discloses the method of claim 22, wherein said unconfiguring step comprises removing all files copied to create said second state (see for example, Fig.3B1, steps 378-385 about unloading and restoring computer device and related text).

Claim 24:

Redford also discloses the method of claim 19, further comprising: selecting a plurality of software application programs for execution; configuring the computer

device for each of the plurality of software application programs selected by

copying one or more files to said computer device, wherein the files include one

or more of the following: linked library files, device drivers, path information,

environmental information, and registry entries information (see for example,

Fig.1D, step 129, "Execute X:\DISGO.bat" and related text about DSIGO.bat file).

Claim 25:

Redford also discloses the method of claim 24, further comprising unconfiguring

the computer device upon termination of each of the executed software

application programs by removing any files copied during configuration and any

new files created during execution of each terminated software application

program (see for example, Fig.3B1, steps 378-385 about unloading and restoring

computer device and related text).

Claim 28:

Redford also discloses the method of claim 19, wherein the storage media

comprises an optical drive (see for example, Fig.3A, element 220, "CD ROM

DRIVE").

Claim 29:

Redford also discloses the method of claim 19, wherein the storage media comprises a removable magnetic media drive (see for example, Fig.3A, element 213, "FLOPPY DISK DRIVE").

Claims 26 and 27

Redford and Owens disclose the computer-readable media of claim 19 above, but does not explicitly disclose wherein the computer-readable medium comprises a CompactFlash/flash memory drive. However, it is well known in the computer art that CompatFlash(CF) is a type of data storage device used in portable electronic devices by using flash memory in a standardized enclosure. It is first specified and produced by ScanDisk in 1994 and had been widely used for a variety of devices when this invention was made. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use CompactFlash/flash memory drive as a portable data storage media to save software, data and instruction file as Redford disclosed.

Claim 30

Redford and Owens discloses the computer-readable medium of claims 19 above, but does not explicitly disclose wherein the computer-readable medium comprises an external hard disk drive. However, it is well known in the computer art that external hard disk drive as a portal data storage media can be used to save/store computer readable data information. Therefore, it would have been

obvious to one having ordinary skill in the art at the time the invention was made

to use external hard disk drive to store the instructions as Redford disclosed for

automatically starting execution and ending execution of process from a

removable storage media.

Claims 40 and 41:

Redford and Owens disclose the method of claim 19, but do not explicitly

disclose wherein said selecting is performed by the user using a text-based or

graphical user interface menu. However, Redford also discloses the features

"wait for button code", "First Button Pressed?", "Display First Selection" Which

implies that there is a user interface for receiving user inputs (see for example,

Fig.3D and related text). Therefore, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to implement said user

interface using text-based or graphical options.

Claim 42:

Redford and Owens discloses the method of managing a plurality of user-

selectable software application programs for use with a computer device in

accordance with a task disk control file contained on storage media external to or

removable from the computer device as in claim 19 above, Redford further

discloses said method comprising:

- specifying in a pre-run section of at least one of the plurality of task disk

  control sub-files, files to be copied to a hard drive of the computer device for

  executing at least one of the plurality of software application programs (see

  for example,col.7, lines 54-62, "application start-up instruction" ; Fig.1D steps

  127-128 and related text; also see col.8, lines 52-59);

- wherein the unconfiguring of the computer device is in accordance with a

  clean-up section associated with the task disk control file, wherein the clean-

  up section removes the at least one of the plurality of task disk control sub-

  files specified in the pre-run section to be copied to the hard drive of the

  computer device (see for example, Fig.3B1 and Fig.3B2 which have unload

  and/or optionally restore steps).

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Zheng Wei whose telephone number is (571)

270-1059 and Fax number is (571) 270-2059. The examiner can normally be

reached on Monday-Thursday 8:00-15:00.

        If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The

fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571- 272-1000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Z. W./
Examiner, Art Unit 2192

/Tuan Q. Dam/
Supervisory Patent Examiner, Art Unit 2192